



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: ) Art Unit:  
Henrik PEDERSEN )  
10 ) Examiner:  
Serial No.: 11/522,174 ) Washington, D.C.  
Filed: November 4, 2005 ) January 27, 2006  
For: GENE SHUFFLING BY TEMPLATE) Docket No.: PEDERSEN11  
SWITCHING )

INFORMATION DISCLOSURE STATEMENT [IDS]

Honorable Commissioner of Patents  
and Trademarks  
Washington, D.C. 20231

S i r :

This Information Disclosure Statement is submitted in accordance with 37 C.F.R. 1.97, 1.98, and it is requested that the information set forth in this statement and in the listed documents be considered during the pendency of the above-identified application, and any other application relying on the filing date of the above-identified application or cross-referencing it as a related application.

1. This IDS should be considered, in accordance with 37 C.F.R. 1.97, as it is filed:

[ ] A. within three months of the filing date of the above-identified national application or within three months of the entry into the national stage of the above-identified international application. See 37 CFR 1.97(b).

[X] B. before the mailing date of a first office action on the merits. See 37 CFR 1.97(b).

[ ] C. after (A) and (B) above, but before final rejection or allowance, and Applicants have made the necessary certification (box "i" below) or paid the necessary fee (box "ii"

below). See 37 CFR 1.97(c).

- [ ] i. Counsel certifies that, upon information and belief, each item of information listed herein was either (a) cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS or (b) was not cited in a communication from a foreign patent office in a counterpart foreign application and was not known to any individual designated in 1.56(c) more than three months prior to the filing of this IDS.
- [ ] ii. A check for the fee set forth in 1.17(p), presently believed to be \$180, is enclosed (check no. \_\_\_\_\_).

[ ] D. after (A), (B) and (C) above, but before payment of the issue fee. Applicant petitions under 37 C.F.R. 1.97(d) for consideration of this IDS. A check for the fee set forth in 1.17(i)(1), presently believed to be \$130 is enclosed (check no. \_\_\_\_\_). Counsel certifies that, upon information and belief, each item of information listed herein was either (i) cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS or (ii) was not cited in a communication from a foreign patent office in a counterpart foreign application and was not known to any individual designated in 1.56(c) more than three months prior to the filing of this IDS.

[ ] E. As a submission in accordance with the transitional procedure for limited examination after final rejection pursuant to 37 CFR §1.129(a). Pursuant to MPEP §706.07(g), page 700-46, col. 2 (February 2000), this IDS is treated as if filed with a period set forth in 37 CFR §1.97(b)

and considered without the petition and petition fee required by 1.97(d).

2. In accordance with 37 C.F.R. 1.98, this IDS includes a list (e.g., form PTO-1449) of all patents, publications, or other information submitted for consideration by the office, either incorporated into this IDS or as an attachment hereto. A copy of each document is attached, except as explained below.

[X] While an IDS filed under §1.97 must contain a "list of all patents, publications or other information submitted for consideration by the Office", see §1.98(a) (1), the only requirement for the list is that it provide the information set forth in §1.98(b). There is no requirement that a form PTO-1449 be used (MPEP §609 merely says that use of this form is "encouraged"). Counsel has used a list provided to him by Applicants, and not transferred the information to a PTO-1449, to avoid the risk of any inadvertent error in transferring the information.

[ ] A. Documents \_\_\_\_\_ are deemed substantially cumulative to documents \_\_\_\_\_, and, in accordance with 1.98(c), only a copy of each of the latter documents is enclosed.

[ ] B. Certain documents were previously cited by or submitted to the Office in the following prior application(s), which are relied upon under 35 U.S.C. 120:

[insert serial number/filing date]

Applicants identify these documents by attaching hereto copies of the form PTO-892s and PTO-1449s from the files of the prior applications or a fresh PTO-1449 listing these documents, and request that they be considered and made of record in accordance

with 1.98(d). Per 37 CFR 1.98(d), copies of these documents need not be filed in this application. If copies of any of these documents cannot be found in the files of the prior applications, the Examiner is requested to so notify counsel before taking action in this case, so replacement copies can be submitted. While an IDS filed under §1.97 must contain a "list of all patents, publications or other information submitted for consideration by the Office", see §1.98(a) (1), the only requirement for the list is that it provide the information set forth in §1.98(b). There is no requirement that a form PTO-1449 be used (MPEP §609 merely says that use of this form is "encouraged") and no prohibition on submitting a copy of a form PTO-1449 or form PTO-892 from a prior case. Indeed, the re-use of such forms is desirable as it avoids error in transferring the information, and evidences that the reference was considered in a prior application. A previously accepted PTO-1449, or an examiner-prepared PTO-892, necessarily complies with §1.98(b).

[ ] 3. Documents \_\_\_\_\_ are not in the English language. In accordance with 1.98(c), Applicants state:

- [ ] documents \_\_\_\_\_ already contain an English language abstract, summary or claim set.
- [ ] a publicly available abstract is attached to each of documents \_\_\_\_\_, and the source of each abstract is indicated thereon.
- [ ] documents \_\_\_\_\_ are patents or published patent applications for which counterpart English language patents or patent applications exist, and are enclosed, as follows:

<u>Foreign Lang. Doc.#</u>	<u>English Lang. Doc.#</u>
[insert]	[insert]

- [ ] applicants have prepared an English translation of

at least the pertinent portions of documents \_\_\_\_\_, and copies are attached.

[ ] A concise explanation of the relevance of documents \_\_\_\_\_ is found in the attached search report from the \_\_\_\_\_ Patent Office (see reply to Comment 68 in the preamble to the final rules; 1135 OG 13 at 20).

[ ] A concise explanation of the relevance of documents \_\_\_\_\_ is set forth as follows:

[Insert concise explanation of relevance]

4. No explanation of relevance is necessary for documents in the English language (see reply to Comments 67 and 68 in the preamble to the final rules; 1135 OG 13 at 20).

5. Other information being provided for the examiner's consideration follows:

[insert other information]

6. In accordance with 37 C.F.R. 1.97(g) and (h), the filing of this IDS should not be construed as a representation that a search has been made or that information cited is, or is considered to be, material to patentability as defined in §1.56 (b), or that any cited document listed or attached is (or constitutes) prior art. Unless otherwise indicated, the date of publication indicated for an item is taken from the face of the item and Applicant reserves the right to prove that the date of publication is in fact different.

7. The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035.

Respectfully submitted,

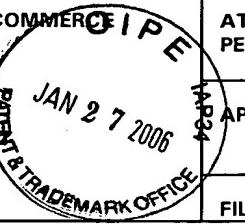
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FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE									ATTY DOCKET NO: PEDERSEN11	SERIAL NO: 11/522,171 10			
 LIST OF DOCUMENTS CITED BY APPLICANT (Use several sheets if necessary)									APPLICANT:Nuevolution A/S				
FILING DATE: November 4, 2005									GROUP:				
U.S. PATENT DOCUMENTS (include at least patentee, patent number and issue date)													
EXAMINER INITIAL		DOCUMENT NUMBER							DATE	PATENTEE	CLASS	SUB-CLASS	FILING DATE IF APPROP.
FOREIGN PATENT DOCUMENTS (include at least document number, publication date and country)													
		DOCUMENT NUMBER							DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION YES/NO
	CN	02	1	0	3	0	0	8	27 Dec 2002	PCT			
	CO	02	1	0	2	8	2	0	27 Dec 2002	PCT			
	CP	03	0	7	8	6	2	5	25 Sept 2003	PCT			
	CQ	20	04	01	3	0	7	0	12 Feb 2004	PCT			
	CR	20	04	11	0	9	6	4	23 12 2004	PCT			
	CS	20	04	02	4	9	2	9	25 March 2004	PCT			
	CT	20	04	05	6	9	9	4	8 July 2004	PCT			
	CU	03	0	7	8	4	4	5	25 Sept. 2003	PCT			
	CV	03	0	7	8	6	2	6	25 Sept 2003	PCT			
	CW	03	0	7	8	0	5	0	25 Sept 2003	PCT			
	CX	03	0	7	8	4	4	6	25 Sept 2003	PCT			
	CY	03	0	7	8	6	2	7	25 Sept 2003	PCT			
	CZ	20	04	07	4	5	0	1	2 Sept 2004	PCT			
	DA	20	04	07	4	4	2	9	2 Sept 2004	PCT			
	DB	20	04	08	3	4	2	7	30 Sept 2004	PCT			
	DC	20	04	03	9	8	2	5	13 May 2004	PCT			
	DD	20	04	00	1	0	4	2	30 Dec 2003	PCT			
	DE	20	05	00	3	7	7	8	13 Jan 2005	PCT			
	DF	0	2	3	8	7	5	7	16 May 2002	PCT			
	DG	9	8	4	2	8	3	2	1 Oct 1998	PCT			
	DH	9	8	0	1	5	8	1	15 Jan 1998	PCT			
EXAMINER									DATE CONSIDERED				

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LIST DOCUMENTS CITED BY APPLICANT (Use several sheets if necessary)		APPLICANT: Nuevolution A/S	
		FILING DATE: November 4, 2005	GROUP:
OTHER DOCUMENTS (include author, title, name of publication, volume, pages and date of publication)			
	DI	Negroni M et al. „Recombination during reverse transcription: an evaluation of the role of the nucleocapsid protein”. Journal of Molecular Biology, vol 286, no.1 12 Feb 1999, p15-31	
	DJ	Moumen Abdeladim et al. „The HIV-1 repeated sequence R as a robust hot-spot for copy-choice recombination” Nucleic acids research, vol. 29, no. 18, 15 September 2001, p 3814-3821	
	DK	Negroni M et al. „Homologous recombination prompted by reverse transcriptase during copying of two distinct RNA templates” Proceedings of the National Academy of Sciences of the United States, vol. 92, no. 15, 1995, p 6971-6975	
	DL	Peliska, J et al. „Fidelity of in vitro DANN strand transfer reactions catalyzed by HIV-1 reverse transcriptase”. Biochemistry, vol. 33, no. 13, 1994, p 3890-3895	
	DM	Peliska, J et al. „Mechanism of DANN strand transfer reactions catalyzed by HIV-1 reverse transcriptase”. Science vol. 258, no. 5058, 1992, p1112-1118	
	DN	Gish, G et al. „DNA and RNA sequence determination based on phosphorothioate”. chemistry Science, American Association for advancement of science, US, vol. 240, 1988, p 1520-1522	
	DO	Hwang, CK et al. „Dynamic copy choice: steady state between murine leukemia virus polymerase and polymerase-dependent RNase H activity determines frequency of in vivo template switching”. Proceedings of the National Academy of Sciences of the Unite States, vol. 98, no. 21, 9 Oct 2001 p 12209-12214	
	DP	Brakmann, S et al. “An error-prone T7 RNA polymerase mutant generated by directed evolution Chembiochem”. A European journal of Chemical Biology. 2 Mar 2001, vol. 2., no. 3, 2 March 2001 p212-219	
	DQ	DeStefano JJ et al. “Determinants of the Rnase H cleavage specificity of human immunodeficiency virus reverse transcriptase”. Nucleic acids research, vol 21, no. 18, 1993, p 4330-4338	
	DR	Wu Weimin et al. „Strand Transfer Mediated by Human Immunodeficiency Virus Reverse Transcriptase in Vitro is Promoted by Pausing and Results in Misincorporation”. Journal of Biological Chemistry, vol. 270, no. 1, 1995, p325-332	
	DS	Svarovskaia ES et al. „Structural determinants of murine leukemia virus reverse transcriptase that affect the frequency of template switching”. Journal of Virology, vol. 74, no. 15, Aug 2000, p7171-7178.	
	DT	Negroni, M et al. „Copy-choice recombination by reverse transcriptases: Reshuffling of genetic markers mediated by RNA chaperones”. Proceedings of the National Academy of Sciences of the United States, vol. 97, no. 12, 6 June 2000, p 6385-6390	
EXAMINER		DATE CONSIDERED	
EXAMINER: Initial if reference considered. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.			